

Attachment to Independent Case Review Report
For CDRU # 6389A Case file # 95-253890.

Material Examiner: Malone (RO)

Remarks:

Case resulted in trial; transcript available.

INDEPENDENT CASE REVIEW REPORT

Independent Review conducted by: Steve Robertson

Area(s) of Expertise: Hair and Fiber

Review commenced at: 4:15 PM (Time), 03/14/2001 (Date)

File #: 95-253908 CDRU 6389A

Laboratory #(s): 30207037

Examiner(s) & Symbols

| | Reviewed | Not Reviewed | | Reviewed | Not Reviewed |
|-----------------------------|-----------------------------------|-----------------------------------|-----------------------------|--------------------------|--------------------------|
| <u>RQ</u> | <u>X</u> <input type="checkbox"/> | <input type="checkbox"/> | <u> </u> | <input type="checkbox"/> | <input type="checkbox"/> |
| <u>VI</u> | <input type="checkbox"/> | <u>X</u> <input type="checkbox"/> | <u> </u> | <input type="checkbox"/> | <input type="checkbox"/> |
| <u> </u> | <input type="checkbox"/> | <input type="checkbox"/> | <u> </u> | <input type="checkbox"/> | <input type="checkbox"/> |

Materials Reviewed

Trial testimony transcript(s) of: Michael Malone

Testimony Date(s): June 19, 1984 Pages: 28-62

Laboratory Report(s):

Laboratory Number: 30207037 Date: April 1, 1983

Laboratory Number: Date:

Laboratory Number: Date:

Examiner Bench Notes of: RQ

Laboratory Number: 30207037

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Initials: SR

Was any other material reviewed? ☒ Yes ☐ No

If yes, please identify and/or describe the material: Submitting agency letter (dated 2-2-83)

Results of Review

File #: 95-253890 CDRU 6389A Item or Specimen # Reviewed: Q1-Q8, K1, K2 and K3, K4 from

30207038

Review of Laboratory Report(s) and Bench Notes:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

- 1) Did the examiner perform the appropriate tests in a scientifically acceptable manner, based on the methods, protocols, and analytic techniques available at the time of the original examination(s)?
☐ Yes ☒ No ☐ Unable to Determine
- 2) Are the examination results set forth in the laboratory report(s) supported and adequately documented in the bench notes?
☐ Yes ☒ No ☐ Unable to Determine

Review of Testimony:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

☐ Transcript not available.

- 3) Testimony consistent with the laboratory report(s)? ☒ Yes ☐ No ☐ Unable to Determine
- 4) Testimony consistent with the bench notes? ☒ Yes ☐ No ☐ Unable to Determine
- 5) Testimony within bounds of examiner's expertise? ☒ Yes ☐ No ☐ Unable to Determine

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Initials: SLM

Comments

(Set forth by above question #, if applicable.
Use "Additional Comments" Sheet, if needed)

File #: 95-253890 CDRU 6389A

#1: With microscopic hair comparison, even with the best notes, there is no way to determine the comparison was performed correctly.

#2: The examination results set forth in the laboratory report are supported by the bench notes, but the documentation is marginally adequate. The notes are not dated or initialed and are in pencil. Malone uses abbreviations to indicate the microscopic characteristics of the hair. These abbreviations are difficult to interpret.

The examination notes by Malone indicate the suspect's known hair samples are from lab case 30207037. The suspect's known samples are found in case 30207038.

Review completed at: 5:15 PM (Time), 03/14/2001 (Date)

Total time spent conducting review (to nearest 1/4 hour): 1:00 hour

I hereby certify that I conducted this review in an independent, unbiased manner and that the results of my review are fully documented on this report consisting of a total of 4 pages.

Steve Roberts
(Signature)

03/14/2001

(Date)

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Initials: *SR*

Additional Comments
(Set forth by question #, if applicable)

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#2 (continued): A detailed characterization of the suspect's known hair samples could not be found in the notes of 30207037 or 30207038. While the failure to document these microscopic characteristics does not prevent a comparison from being performed, adequate documentation is achieved when this characterization is done.

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Initials: SM